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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

,		Application No.	Applicant(s)			
		Аррисацоп но.				
		10/087,193	SHOEN ET AL.			
	Office Action Summary	Examiner	Art Unit			
		Shannon S. Saliard	3628			
	The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply					
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
Status						
1)⊠	Responsive to communication(s) filed on <u>25 July 2007</u> .					
• —	This action is FINAL . 2b) This action is non-final.					
3)	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.					
Dispositi	ion of Claims					
4) ☐ Claim(s) 1,2,6-25 and 31 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) 1, 2, 6-25, and 31 is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) are subject to restriction and/or election requirement.						
Application Papers						
 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. 						
Priority (under 35 U.S.C. § 119					
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 						
2) Notice 3) Information	ce of References Cited (PTO-892) ce of Draftsperson's Patent Drawing Review (PTO-948) mation Disclosure Statement(s) (PTO/SB/08) er No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail D 5) Notice of Informal F 6) Other:	ate			

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DETAILED ACTION

Status of Claims

1. Applicant has amended claims 1, 2, and 31 and cancelled claim 4. No claims have been newly added. Thus, claims 1, 2, 6-25, and 31 remain pending and are presented for examination.

Response to Arguments

- 2. Applicant's arguments filed 25 July 2007 have been fully considered but they are not persuasive.
- 3. Applicant argues (with respect to claims 1, 2 and 31) that McCarty does not teach or suggest a system having the capability of capturing or tracking information on revenue, cash, summaries, unit availability, facility utilization, reservations, open contracts, rent rolls, and credit card information. However, Examiner disagrees.

 McCarty discloses, "In similar fashion, the command center 12 may also be equipped with various management utility program for the purpose of adding and/or removing storage facilities to the system, as well as changing the rental information pertaining to each storage unit 18 within each storage facility 14. Such a management utility program may also include reporting capabilities for assessing rental trends, customer tracking, and unit rental status. Claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function, In re Danly, 263 F.2d 844, 847, 120 USPQ 528, 531 (CCPA 1959). A claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not

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differentiate the claimed apparatus from a prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim. Ex parte Masham, 2 USPQ2d 1647 (Bd Pat. App. & Inter. 1987). Thus, the structural limitations of claim 1 are disclosed by McCarty et al as described above. Also, as described above, the functional limitations in claim 1 do not distinguish the claimed apparatus from the prior art. Therefore, the invention of McCarty is capable of performing the limitations of Applicant's invention without modification.

- 5. Applicant argues (with respect to claim 7) that Hafen does not teach an emergency contact identifier. However, Examiner disagrees. In paragraph [0099], Hafen discloses, "For example, when a new customer comes into the facility 106b a new account 702 may be established. Generally, the facility manager 402 records information from the customer such as contact information, description of unit to be rented, the rental rate...and other such information." Although, Hafen does not explicitly discloses that the contact information is for emergency's it is obvious that since the customer is the user of the storage facility, if something of an emergency nature were to occur, the contact information of that customer would be used to notify the customer.
- 6. Applicant argues (with respect to claim 13) that neither McCarty nor Hafen discloses "an audit report". However, Examiner notes that McCarty discloses, "The command center 12 may also be equipped with various management utility program for the purpose of adding and/or removing storage facilities to the system, as well as changing the rental information pertaining to each storage unit 18 within each storage

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facility 14. Such a management utility program may also include reporting capabilities for assessing rental trends, customer tracking, and unit rental status." [col 11, lines 28-35]. Given the broadest reasonable interpretation an "audit" is a review and verification of accounts or records. Since, the reporting feature in McCarty is for reviewing, assessing, and tracking, it is equivalent to Applicant's "audit report".

- 7. Applicant argues (with respect to claim 14) that neither McCarty nor Hafen disclose a cash intake report. However, Examiner submits that Hafen discloses, "For example, a holding company may own three facilities 106 which are managed and operated by another managing company 602. The profits from the three facilities 106 may be divided between the holding company and the managing company 602. Thus, as an interested third party 808, the holding company, may execute certain operational transactions 502 to review financial projections. For example, a holding company may generate a report projecting rents to be received in the next six months." [0114]. Although Hafen does not specifically indicate that cash will be received. It is well known that whether payments are received via credit card, check, or cash, all of the payments are at some point in time exchanged for usable cash by the company. Therefore, it is obvious that since the repots indicate rents received, that the reports include how much cash was taken in by the company.
- 8. Applicant argues (with respect to claim 19) that neither McCarty nor Hafen disclose a facility utilization report. However, Examiner disagrees. McCarty discloses a program for reporting unit rental status [col 11, lines 32-36]. Unit rental status would include which rentals are occupied or unoccupied. Thus, Examiner interprets unit

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rental status to be equivalent to Applicant's facility utilization (how many units are occupied).

- 9. Applicant argues (with respect to claim 10) that McCarty does not disclose an automatic payment feature applied to a first storage unit and an invoicing feature applied to a second storage unit. However, Examiner submits that McCarty discloses "automatic withdrawal from the user's bank account" [col 8, lines 10-11]. McCarty further discloses, "The command center may be further equipped with an accounting system...so as to automate the billing and accounting procedures for each storage facility" [col 11, lines 20-25]. Given the broadest reasonable interpretation, an invoice is a bill. Thus, since automatic billing can be applied to each storage unit it would be obvious that the invoicing feature could be applied to a second storage unit.
- 10. With respect to claim 11, Applicant has challenged Examiner's use of Official Notice. Examiner cites the reference to Vasquez et al. Vasquez et al discloses moving a tenant from an occupied apartment to an unoccupied apartment [pg. 1, para. 3]. Furthermore, it is not 'invention' to broadly provide a mechanical or automatic means to replace manual activity which has accomplished the same result, see *In re Venner, 120 USPQ 192 (CCPA 1958)*. Examiner submits that the reference is only being cited to substantiate the previous Official Notice statement by the examiner, does not result in a new basis for rejection, and therefore, this rejection will be made final.

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Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 12. Claims 1, 7, 8, 13, 14, 17-22, 24, 25, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCarty et al [US 5,946,660] in view of Hafen et al [US 2003/0023453].

As per claim 1, McCarty et al discloses an automated self-storage management system for enabling a user to conduct self-storage transactions, the system comprising: an inventory information capture having information pertaining to self-storage units [col 11, lines 27-35; management utility program for adding and removing storage facilities]; a customer information capture having information pertaining to customers [col 7, lines 39-60; col 8, lines 4-6]; and a reporting feature in communication with the inventory information capture and the customer information capture, wherein the reporting feature includes means for generating reports for managing the operation of the storage facility [col 11, lines 32-35]. McCarty et al does not explicitly disclose the reports including reports for revenue, unit availability, reservations, open contracts, rent rolls, and credit card information. Hafen et al discloses generating reports projecting rents to be received in the next six months and reporting daily sales [0114; 0083]. Furthermore, claims directed to an apparatus must be distinguished from the prior art in terms of

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structure rather than function, In re Danly, 263 F.2d 844, 847, 120 USPQ 528, 531 (CCPA 1959). A claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim. Ex parte Masham, 2 USPQ2d 1647 (Bd Pat. App. & Inter. 1987). Thus, the structural limitations of claim 1 are disclosed by McCarty et al as described above. Also, as described above, the functional limitations in claim 1 do not distinguish the claimed apparatus from the prior art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of McCarty et al to include wherein the reports including reports for revenue, unit availability, reservations, open contracts, rent rolls, and credit card information so that interested parties can review financial projections, as suggested by Hafen et al [0114].

As per claim 7, McCarty et al does not explicitly disclose wherein the customer information capture includes an emergency contact identifier. However, Hafen et al discloses collecting contact information from a customer [0098; 0099]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of McCarty et al to include wherein the customer information capture includes an emergency contact identifier so facilitate easy retrieval-of pertinent information.

As per claim 8, McCarty et al does not disclose wherein the customer information capture includes a payment history. However, Hafen et al discloses tracking historical information from rental transactions [0032]. Therefore, it would have been

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obvious to one of ordinary skill in the art at the time of the invention to modify the invention of McCarty et al to include wherein the customer information capture includes a payment history. Hafen et al provides the motivation that retaining historical information to help forecast demand for rental services and provide other data mining capabilities [0032].

As per claim 13, McCarty et al further discloses wherein the reporting feature includes an audit report [col 11, lines 33-36].

As per claim 14, McCarty et al does not disclose wherein the reporting feature includes a cash intake report. However, Hafen et al discloses generating reports projecting rents to be received in the next six months [0114]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of McCarty et al to include wherein the reporting feature includes a cash intake report so that includes a revenue report so that interested parties can review financial projections.

As per claim 17, McCarty et al further discloses wherein the reporting feature comprises a receipt for self-storage transactions [col 6, lines 37-42].

As per claim 18, McCarty et al further discloses wherein the reporting feature comprises a vacancy report [col 11, lines 33-36].

As per claim 19, McCarty et al further discloses wherein the reporting feature comprises a facility utilization report [col 11, lines 33-35].

As per claim 20, McCarty et al does not disclose further comprising a communication feature configured to allow communication between users. However,

Hafen et al discloses that a plurality of rental facilities may communicate [0043].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of McCarty et al to include the method disclosed by Hafen et al so that the data is up-to-date.

As per claim 21, McCarty et al does not disclose further comprising a letter generation feature. However, Hafen et al discloses generating delinquency notices [0104; 0105]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of McCarty et al to include the method disclosed by Hafen et al so that a customer is made aware that their account is delinquent.

As per claim 22, McCarty et al does not disclose wherein upon occurrence of a predetermined criteria, the system generates a customer letter. However, Hafen et al discloses that a delinquent notice is sent according to a schedule [0104]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of McCarty et al to include the method disclosed by Hafen et al so that a customer is made aware that their account is delinquent.

As per claim 24, McCarty et al does not disclose wherein the letter pertains to a rate increase. However, Hafen et al discloses generating a notice pertaining to a rate increase [0097]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of McCarty et al to include the method disclosed by Hafen et al. Hafen et al provides the motivation that a letter pertaining to a rate increased may be required due to local laws [0097].

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As per claim 25, McCarty et al does not disclose wherein the letter pertains to an eviction. However, Hafen et al discloses that a delinquent notice is sent according to a schedule [0104]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of McCarty et al to include wherein the letter pertains to an eviction so that the user is aware that the storage unit is no longer available.

As per claim 31, McCarty et al discloses an automated self-storage management system for enabling a user to conduct self-storage transactions, the system comprising: an inventory information capture having information pertaining to self-storage units [col 11, lines 27-35; management utility program for adding and removing storage facilities]; a customer information capture having information pertaining to customers [col 7, lines 39-60; col 8, lines 4-6]; a rental transaction feature configured to create a rental agreement using information form the inventory information capture and the customer information capture, wherein the rental agreement involves a plurality of self-storage units [col 6, lines 37-42; col 5, lines 56-62; col 8, lines 11-27], and a reporting feature in communication with the inventory information capture and the customer information wherein the reporting feature includes means for generating reports for managing the operation of the storage facility [col 11, lines 32-35]. McCarty et al does not explicitly disclose the reports including reports for revenue, unit availability, reservations, open contracts, rent rolls, and credit card information. Hafen et al discloses generating reports projecting rents to be received in the next six months and reporting daily sales [0114; 0083]. Also, Hafen et al discloses generating reports projecting rents to be

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received in the next six months [0114]. Furthermore, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function, In re Danly, 263 F.2d 844, 847,120 USPQ 528, 531 (CCPA 1959). A claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim. Ex parte Masham, 2 USPQ2d 1647 (Bd Pat. App. & Inter. 1987). Thus, the structural limitations of claim 1 are disclosed by McCarty et al as described above. Also, as described above, the functional limitations in claim 31 do not distinguish the claimed apparatus from the prior art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of McCarty et al to include wherein the reporting feature includes a revenue report includes a revenue report so that interested parties can review financial projections, as suggested by Hafen et al [0114].

13. Claims 2, 4, 6, 9, 10, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCarty et al [US 5,946,660].

As per claim 2, McCarty et al discloses an automated self-storage management system for enabling a user to conduct self-storage transactions, the system comprising: an inventory information capture having information pertaining to self-storage units in one or more storage facilities [col 11, lines 27-35; management utility program for adding and removing storage facilities]; a customer information capture having

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information pertaining to customers [col 7, lines 39-60; col 8, lines 4-6]; wherein one or both of the inventory information capture and customer information capture include information for managing the operation of the self-storage facilities [col 11, lines 28-35; col 5, lines 10-12;]; and a rental transaction feature in communication with the inventory information capture and customer information capture, wherein the rental transaction feature creates a rental agreement using information from the inventory information capture and the customer information capture, and wherein the rental agreement involves a plurality of self-storage units [col 6, lines 37-42; Col 5, lines 56-62; col 8, lines 11-27; can select one or more storage units]. McCarty et al does not explicitly disclose the information including revenue, unit availability, reservations, open contracts, rent rolls, and credit card information. However, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function, In re Danly, 263 F.2d 844, 847,120 USPQ 528, 531 (CCPA 1959). A claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim. Ex parte Masham, 2 USPQ2d 1647 (Bd Pat. App. & Inter. 1987). Thus, the structural limitations of claim 1 are disclosed by McCarty et al as described above. Also, as described above, the functional limitations in claim 5 do not distinguish the claimed apparatus from the prior art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of McCarty et al to include information including a

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revenue, unit availability, reservations, open contracts, rent rolls, and credit card information so that interested parties can review financial projections.

As per claim 4, McCarty et al further disclose an automated self-storage management system for enabling a user to conduct self-storage transactions, the system comprising: an inventory information capture having information pertaining to self-storage units [col 11, lines 27-35; management utility program for adding and removing storage facilities]; a customer information capture having information pertaining to customers [col 7, lines 39-60; col 8, lines 4-6]; a rental transaction feature in communication with the inventory information capture and the customer information capture[col 6, lines 37-42; col 5, lines 56-62; col 8, lines 11-27]; and an inventory management feature in communication with the inventory information capture, wherein the inventory management feature enables the user to modify the information pertaining to self-storage units [col 11, lines 28-35].

As per claim 6, McCarty et al further discloses wherein the customer information capture includes an authorized access identifier [col 8, lines 15-17].

As per claim 9, McCarty et al further discloses wherein the customer information capture includes a credit card identifier [col 8, lines 8-11; col 5, lines 10-12].

As per claim 10, McCarty et al further discloses wherein the plurality of storage units comprises a first storage unit and a second storage unit [col 8, lines 1-3], an automatic payment feature applied to the first storage unit [col 8, lines 6-12]. McCarty et al does not explicitly disclose an invoicing feature applied to the second storage unit. However, McCarty et al discloses billing system to allow a user to pay on accounts [col

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11, lines 15-28]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of McCarty et al to include an. invoicing feature applied to the second storage unit so pay on accounts with outstanding balances s suggested by McCarty et al [col 11, lines 25-28].

As per **claim 16**, McCarty et al further discloses wherein the inventory information capture comprises a map [ol 9, lines 55-56].

14. Claims 11and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCarty et al [US 5,946,660] in view of Hafen et al [US 2003/0023453] as applied to claims 2 and 22 above, and further in view of Vasquez et al [article entitled Housing Crunch...Leave Area].

As per claim 11, McCarty et al does not disclose comprising a transfer feature that transfers a customer from an occupied room to a vacant room. However, Vasquez et al discloses moving a tenant from an occupied apartment to an unoccupied apartment [pg. 1, para. 3]. Furthermore, it is not 'invention' to broadly provide a mechanical or automatic means to replace manual activity which has accomplished the same result, see *In re Venner, 120 USPQ 192 (CCPA 1958)*. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of McCarty et al to include comprising a transfer feature that transfers a customer from an occupied room to a vacant room so that a customer can receive a unit that specifically meets their needs.

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As per claim 23, McCarty et al does not disclose wherein the letter pertains to an overdue fee. However, Hafen et al discloses that a delinquent notice is sent according to a schedule [0104]. Furthermore, the Examiner takes Official Notice that it is old and well known in the art at the time of the invention that a delinquency notice contains an overdue fee. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of McCarty et al to include wherein the letter pertains to an overdue fee so that the user is aware of how much he/she is responsible for paying,

15. Claim 12 rejected under 35 U.S.C. 103(a) as being unpatentable over McCarty et al [US 5,946,660] in view of Hafen et al [US 2003/0023453] as applied to claim 11 above, and further in view of Official Notice and Inomata [US 6,999,825].

As per claim 12, McCarty et al does not disclose comprising a fee calculator that calculates a prorated rent for the occupied room and a prorated rent for the vacant room. However, Inomata discloses a fee calculator for rental of a storage unit [col 13, liens 19-26]. Furthermore, the Examiner takes Official Notice that it is old and well known in the rental industry at the time of the invention to pay only for the time in which you occupy a room. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify !he invention of McCarty et al to include comprising a fee calculator that calculates a prorated rent for the occupied room and a

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prorated rent for the vacant room so that a user is not overcharged.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over McCarty 16. et al [US 5,946,660] in view of Hafen et al [US 2003/0023453] as applied to claim 1 above, and further in view of Gross [US 6,721,716].

As per claim 15, McCarty et al does not disclose wherein the reporting feature comprises data configured to be exported to an external financial database. However, Gross discloses exporting financial data from rental transactions [col 22, lines 21-27]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of McCarty et al to include the method disclosed by Gross so that interested parties can review financial projections.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time 17. policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shannon S. Saliard whose telephone number is 571-272-5587. The examiner can normally be reached on Monday - Friday, 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Please address mail to be delivered by the United States Postal Service (USPS) as follows:

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Commissioner of Patents and Trademarks Washington, D.C. 20231

Or faxed to:

(571) 273-5587 [Informal/ Draft Communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the Customer Service Window, Randolph Building, 401 Dulany Street, Alexandria, VA 22314

Shannon S Saliard Examiner Art Unit 3628

SSS

JOHN W. HAYES
SUPERVISORY PATENT EXAMINER